

441—93.123(239B) PROMISE JOBS on-the-job training (OJT). Under OJT, a PROMISE JOBS participant shall be hired by a private or public employer and, while engaged in productive work, receive training that provides knowledge or skills essential to the full and adequate performance of that job.

93.123(1) PROMISE JOBS OJT participants. PROMISE JOBS participants eligible for OJT shall be hard-to-place participants such as, but not limited to, those who lack work skills, have outdated skills, or have demonstrated difficulty in finding employment.

93.123(2) PROMISE JOBS OJT contracts. PROMISE JOBS staff shall enter into a contract with the OJT employer for providing training and additional supervision to the participant, using a contract format established by the department or PROMISE JOBS provider agency designee which contains these requirements:

a. The participant is hired by the OJT employer after the contract is signed and is to be retained by the employer as a regular employee at the end of the OJT.

b. The job is full-time, defined as 30 or more hours per week.

c. The participant will engage in productive work.

d. The specific knowledge or skills to be gained through the training are described in detail.

e. The length of the training period is established as provided in subrule 93.123(4).

f. The participant is compensated by the employer at the same rates, including benefits and periodic increases, as similarly situated employees or trainees and in accordance with applicable law, but in no event less than the federal or Iowa minimum wage, whichever is higher.

g. The employer shall provide training and additional supervision, if needed, to enable the participant to gain knowledge and skills essential to the job.

h. The rate and time of the compensation to reimburse the employer for training and additional supervision are established as described at subrule 93.123(3).

i. Qualitative and quantitative measures are established which the OJT employer, the PROMISE JOBS participant, and the department (through the PROMISE JOBS staff as designees) shall use to determine whether the participant is making good or satisfactory progress in gaining the knowledge or skills described in the specific contract and whether the training shall continue.

j. An employer is required to provide a monthly report on good or satisfactory progress using Form 470-2617, PROMISE JOBS Time and Attendance, or other form which contains all of the elements of Form 470-2617, allowing reporting of good or satisfactory progress under the qualitative and quantitative measures included in the contract, and is approved by the department or the PROMISE JOBS provider agencies as designees.

93.123(3) PROMISE JOBS OJT employer reimbursement. The department shall have the administrative authority to establish the statewide standard for the rate and time of reimbursement to be included in the OJT contract, subject to state and federal budgetary limitations.

a. The department shall establish a statewide standard for rate and time of reimbursement.

(1) The methodology for establishing the statewide reimbursement rate shall be determined each time that the statewide rate is established. It may include, but is not limited to, a payment rate for units of training time such as hours or weeks, or a payment rate based on an average of a specified percent of the wages paid to the participant during the training period.

(2) No matter what methodology is used to establish the statewide rate, the payments shall never exceed an average of 50 percent of the wages paid by the employer to the participant during the period of training.

b. The amount of the reimbursements per participant shall be based on the standard established rate and the duration of the OJT as provided at subrule 93.123(4).

c. The time of the reimbursements shall be related to the ending date of the OJT or the date the OJT participant leaves the OJT before the training is completed.

d. PROMISE JOBS staff shall require the OJT employer to document the claim for reimbursement using a claim format which contains the following elements:

(1) Employer name, address, and federal employer ID number.

(2) Participant name and social security number.

(3) Beginning and ending dates of the claim period.

- (4) Wage paid per hour.
- (5) Total hours worked in the claim period and total wages paid in the claim period.
- (6) Day-by-day record of daily hours of employment in the claim period.

93.123(4) *Duration of PROMISE JOBS OJT training period.* PROMISE JOBS OJT is limited to occupational training which can be completed within six months. PROMISE JOBS staff shall use guidance from the U.S. Department of Labor to establish appropriate durations for occupational training which can be completed within the six-month limit.

93.123(5) *OJT participant eligibility for PROMISE JOBS.* If a participant in OJT becomes ineligible for FIP due to income policies as described at 441—subrule 41.27(2), the participant shall remain a PROMISE JOBS participant for the purpose of managing and tracking the OJT. The participant in these circumstances is eligible for the supportive services which are available to any other employed PROMISE JOBS participant.

93.123(6) *Wages paid to a PROMISE JOBS OJT participant.* Wages paid to participants in OJT are considered to be earned income for purposes of any provision. OJT is not considered subsidized employment.